IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1538 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL SUDHABEN ASHOKBHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR AG JOSHI for Petitioner No. 1

MS PJ DHAVAWALA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 09/07/2004

ORAL JUDGEMENT

1. Learned Advocate for the petitioner Mr.A.G. Joshi is not present. Learned Additional Central Govt. Standing Counsel Ms.Dhavawala was heard. Rule. Service of Rule is waived by Ms. Dhavawala for the respondent.

2. This Application is filed for directing respondent Passport Authority to correct the date of birth of the petitioner from 01st of June 1946 to 29th of October, 1947 in record of Passport.

3. On going through the record, it appears that the petitioner was issued Passport No. E-2561175, wherein on the basis of the School Leaving Certificate produced by the petitioner, date of birth was recorded as 1st of June, 1946. It appears that thereafter the petitioner inquired from the Office of the Birth and Death Registration, Borsad, to verify from the record about the registration of his birth and his correct date of birth. He also obtained a certificate from the competent authority i.e. Mamlatdar, Borsad, from the Death and Birth Register, copy of which is placed at Annexure-B, and accordingly in the Register of Death and Birth maintained by competent authority i.e. Mamlatdar, Borsad, the date of birth of the petitioner while registering his birth is recorded to be 29th of October, 1947 and, therefore, this petition to direct the Passport Authorities to correct the records of Passport issued to the petitioner.

4. In view of the above, Passport Authority i.e. respondent herein is directed to consider the case of the petitioner for the change in date of birth from 01.06. 1946 to 29.10.1947 and correct the record of the Passport considering the date of birth of the petitioner to be 29.10.1947. While issuing notice, this Court directed the petitioner to deposit a sum of Rs. 2,500/- by way of cost and, therefore, in the facts and circumstances of the case, the petitioner is further directed to pay additional cost of Rs.2,500/- to the respondent Passport Authorities, totalling to Rs. 5,000/-. Rs. 2,500/which was directed by this Court vide order dated 6.2.04 to be deposited in the court, is deposited by the petitioner, and that amount is required to be paid to the respondent authorities by way of cost and the petitioner is directed to pay further amount of Rs.2,500/- to the respondent authorities towards cost, totalling to Rs.5,000/-.

5. It is further clarified that this Court has not gone into legality and validity and genuineness of the above correction to be carried out by the Passport Authorities. Any order passed by the Passport Authorities shall not give any additional right to the petitioner, in any other field on account of change in birth date.

6. This petition is allowed accordingly. Rule is made absolute to the above extent. DS permitted.

(J.R.Vora, J.)

p.n.nair